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*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

COTY INC., COTY B.V., CALVIN KLEIN  
TRADEMARK TRUST, CALVIN KLEIN, INC.,  
CALVIN KLEIN COSMETIC CORPORATION, VERA  
WANG LICENSING LLC, V.E.W., LTD., and ATE MY  
HEART INC.,

Plaintiffs,

v.

EXCELL BRANDS, LLC,

Defendant.

15-CV-7029 (JMF) (GWG)

**NOTICE OF PLAINTIFFS'  
MOTION FOR SANCTIONS**

**PLEASE TAKE NOTICE** that upon the Memorandum of Law in Support of Plaintiffs' Motion for Sanctions and the Declaration of James Faris in support of Plaintiffs' Motion for Sanctions, submitted herewith, and upon all prior pleadings and proceedings had herein, Plaintiffs in the above-captioned action hereby move this Court, before the Honorable Jesse M. Furman, United States District Just, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, 10007, for an Order precluding Defendant from

introducing at trial any factual testimony or documents concerning the following topics about which Defendant's Rule 30(b)(6) corporate representatives were not adequately prepared to testify:

- (1) the ingredients and chemical composition of the liquid scent (also known as the "juice") of each of Defendant's fragrances identified in the First Amended Complaint;
- (2) Defendant's compliance with applicable U.S. health, labeling, and consumer safety laws; and
- (3) tests or studies, including laboratory or scientific reports or quantitative or qualitative analyses, concerning the juice or packaging of Defendant's fragrances.

Plaintiffs further move the Court for an Order, pursuant to Fed. R. Civ. P. 37(d)(3), requiring Defendant to pay Plaintiffs' reasonable expenses, including attorneys' fees, caused by Defendant's failure to produce competent Rule 30(b)(6) witnesses, including the attorneys' fees incurred in connection with both Rule 30(b)(6) depositions, the preparation of Plaintiffs' June 2, 2016 Letter Motion (ECF No. 67), and the preparation of this motion and any further motion practice or oral argument on this issue.

**PLEASE TAKE FURTHER NOTICE** that any opposing affidavits and answering memoranda to this motion shall be served and filed on or before July 11, 2016, and any reply papers shall be served on or before July 18, 2016, pursuant to the Court's Order dated June 14, 2016 (ECF No. 70).

DATED: June 27, 2016

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

By: /s/ James W. Faris Jr.

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**CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED that a true and correct copy of the foregoing was served upon counsel of record by filing it electronically with Court's CM/ECF system.

Dated: June 27, 2016

/s/ Alberto Garcia  
Alberto Garcia